

1 titled action is barred by the doctrine of collateral estoppel, based on the Court's ruling in a
2 related case, Crown Paper Liquidating Trust v. PricewaterhouseCoopers, et al., C 02-3836
3 MMC. Although the Court disagrees that its earlier ruling has collateral estoppel effect, the
4 Court, for the reasons stated in said related action, (see id., Order Granting Def. Houlahan's
5 Mot. for Award of Attorney's Fees, filed March 30, 2005, at 4:14-23), finds, as a matter of
6 law, that the above-referenced counterclaim does not constitute a pre-petition claim.

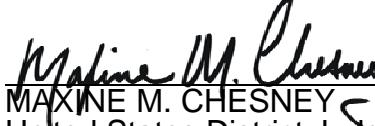
7 Accordingly, Fort James's motion for summary judgment is hereby GRANTED.

8 2. By the instant action, plaintiff seeks against McGuireWoods, LLP
9 ("McGuireWoods") the same declaratory relief plaintiff seeks against Fort James.
10 Although, unlike Fort James, McGuireWoods has not filed a dispositive motion,
11 McGuireWoods stands in the same position as Fort James with respect to the claim alleged
12 herein, and, consequently, plaintiff's claim against McGuireWoods is "appropriate for sua
13 sponte summary judgment." See Columbia Steel Fabricators, Inc. v. Ahlstrom Recovery,
14 44 F. 3d 800, 803 (9th Cir. 1995)) (affirming summary judgment in favor of nonmoving
15 defendant where same issues "controll[ed]" determinations as to moving and nonmoving
16 parties).

17 Accordingly, summary judgment is hereby GRANTED in favor of McGuireWoods.

18 **IT IS SO ORDERED.**

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20 Dated: December 12, 2006
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MAXINE M. CHESNEY
United States District Judge

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